

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLEND A TURNER,

Plaintiff,

v.

Case No. 4:20-cv-12568

District Judge Matthew F. Leitman

Magistrate Judge Anthony P. Patti

EVERGREEN RECOVERY
SOLUTIONS, LLC and ROBERT
C. CRIPPEN, II,

Defendants.

**ORDER GRANTING AS UNOPPOSED PLAINTIFF'S MOTION TO
COMPEL DEFENDANT'S DEPOSITION AND DISCOVERY RESPONSES**
(ECF No. 18)

Before the Court for consideration is Plaintiff's motion to compel *pro se* Defendant's deposition and discovery responses. (ECF No. 18.) Judge Leitman referred the motion to me for a hearing and determination. (ECF No. 19.)

Plaintiff filed the instant motion on August 11, 2022. (ECF No. 18.) Responses to discovery motions must be filed within 14 days after service of the motion. E.D. Mich. LR 7.1(e)(1)(A). Thus, in the absence of a scheduling order stating otherwise, Defendant's response to Plaintiff's motion would have been due on or about August 25, 2022. *See* Fed. R. Civ. P. 6(a), (d). To date, even waiting additional time to account for Defendant's *pro se* status, Defendant has not responded to Plaintiff's motion.


The Local Rules of the Eastern District of Michigan required Defendant to file a response if he wished to oppose Plaintiff's discovery motion. *See* E.D. Mich. LR 7.1(c)(1) ("A respondent opposing a motion must file a response, including a brief and supporting documents then available.") (emphasis added). Opposition to a motion is deemed waived if the responding party fails to respond or otherwise oppose the motion. *See Humphrey v. United States Attorney General's Office*, 279 F. App'x 328, 331 (6th Cir. 2008). Because Defendant has not responded to Plaintiff's discovery motion, Plaintiff's motion can and will be construed as unopposed.

Accordingly, Plaintiff's motion to compel Defendant's deposition and discovery responses (ECF No. 18) is **GRANTED as unopposed**. All objections are deemed waived. The Court **ORDERS** Defendant to provide complete responses to Plaintiff's First Requests for Production (ECF No. 18-2), and to make himself available for deposition, by **Friday, September 30, 2022**. The Court also **GRANTS** Plaintiff's request that Defendant "be required to cover the court reporter's bill for the deposition that he missed" (ECF No. 18, PageID.115), and **ORDERS** that Defendant pay the amount of the court reporter's invoice to Plaintiff's counsel within fourteen (14) days of receiving it from Plaintiff's counsel.

Finally, Defendant is **hereby warned** that failure to comply with this order may result in sanctions under Fed. R. Civ. P. 37(b)(2), up to and including having the Court render default judgment against him.¹

IT IS SO ORDERED.

Dated: September 7, 2022



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).